

## REMARKS/ARGUMENTS

### Amendments to the Specification

This preliminary amendment presents changes to the specification similar to those that were made during the prosecution of related case USSN 09/311,772 (Attorney Docket No. 016930-003711US). The specification amendments address formalities, and do not introduce new matter.

### Amendments to the Claims

Claims 1, 3, 20-22, 25, 27-30, 34-35, and 37 are presently amended. Claims 2, 6-8, 23, 24, and 41-77 are presently canceled. This amendment adds claims 78 and 79. In large part, the claim amendments are related to analogous issues that were raised during prosecution of related case USSN 09/311,772 (Attorney Docket No. 016930-003711US), such as the nature of the treated cancer cells. The claims are also amended to reflect treatment with a microtubule affecting agent. These amendments do not introduce new matter.

Amended claim 1 and new claims 78 and 79 are drawn to methods of treating head and neck, ovarian, prostate, or mammary cancer cells. Treatment of these cells is discussed in the specification, e.g. at page 3, lines 6-13. Relatedly, Nielsen et al. in "*Adenovirus-mediated p53 gene therapy and paclitaxel have synergistic efficacy in models of human head and neck, ovarian, prostate, and breast cancer*" Clin. Cancer Res. 4(4):835-46 (1998) (cited in the concurrently filed IDS as reference "AN") report successful delivery and efficacy results with synergistic effects in head and neck, ovarian, prostate, or mammary cancer cells.

## CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/086,294  
Amdt. dated March 12, 2004  
Preliminary Amendment

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Nathan S. Cassell  
Reg. No. 42,396

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
60153199 v1